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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,730	08/03/2000	Akito Ohkubo	Q60282	9227
7590 01/12/2005 Sughrue Mion Zinn MacPeak & Seas PLLC 2100 Pennsylvania Avenue NW Washington, DC 20037-3202			EXAMINER CARTER, TIA A	
			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,730

Applicant(s)

OHKUBO, AKITO

Examiner

Tia A Carter

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/17/04 have been fully considered but they are not persuasive. Applicant cites on page 8 that Ueda do not disclose extracting an association between colors before and after color correction. Examiner clearly disagrees, in figure 1 Ueda clearly discloses the LAB data being input into the system which very clear that the data was converted prior to the input stage whereas the CMYK outputted endures color correction processes, such teachings can be found in column 5, lines 10-63 and column 8, lines 36-65. Applicant also, cites on page 9 that Ueda failed to disclose coordinates obtaining step being not restricted in sequence of the step to be executed. Examiner is unsure what "restricted sequence" Applicant is referring to, wherein Applicant provides no adequate support for such a limitation in claim 1.

Claim Rejections - 35 USC § 112

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The limitation in claim 1 disclosing said coordinates obtaining step being not restricted in sequence of the step to be executed is not supported in detail, nor does the specification emphasize such a process.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (US. 6172681).

Regarding claim 1, Ueda discloses a correcting color extracting method comprising:

An image data obtaining step of obtaining image data outputted from an input device for receiving an original image and outputting the image data representative of received image which is subjected to a color correction for the original image (fig. 6, col. 8, lines 36-45);

A first conversion step of converting the image data obtained by said image data obtaining step into coordinate values of a colorimetry color space describing a measured value of a color, corresponding to a color of an image obtained when the

image based on the obtained image data is outputted from an output device for outputting the image based on the image data, in accordance with characteristics of an image output of the output device (fig. 6, col. 8, lines 45-60); and

Coordinates obtaining step for obtaining the coordinate values of the colorimetry color space corresponding to the color of the original image, said coordinates obtaining step being not restricted in sequence of the step to be executed (fig. 6, col. 8, lines 15-65),

Whereby an association between colors before and after the color correction is extracted (fig. 6, col. 8 lines 15-55). The LUT stores the Lab data which are represented before the correction which are already converted, whereas the CMYK values are represented by the values after the correction (figure. 1)

Regarding claim 2, Ueda discloses a color correcting relation extracting method according to claim 1, wherein said coordinates obtaining step includes a characteristics obtaining step of obtaining a characteristics value capable of being converting into the coordinate values of the colorimetry color space, corresponding to a color of the original image, and a second conversion step of converting the characteristic value obtained by the characteristic value obtaining step into the coordinate values of the colorimetry color space (fig. 6, col. 8, lines 15-65).

Regarding claim 6, Ueda disclose the color correcting relation extracting method of claim 1, further comprising:

producing a color correction conversion definition defining an association between coordinate values of the colorimetry color space corresponding to colors before and after the color correction (fig. 1, col. 5, lines 10-45).

Regarding claim 7, Ueda disclose the color correcting relation extracting method of claim 6, further comprising:

using the color correction conversion definition to convert coordinate values of the colorimetry color space corresponding to colors before the color correction into coordinate values of the colorimetry color space corresponding to colors after the color correction (fig. 2, col. 6, lines 34-39).

Regarding claim 8, Ueda disclose the color correcting relation extracting method of claim 1, further comprising:

using a color correction conversion definition defining an association between coordinate values of the colorimetry color space corresponding to colors before and after the color correction, to convert coordinate values of the colorimetry color space corresponding to colors before the color correction into coordinate values of the colorimetry color space corresponding to colors after the color correction (fig. 1, col. 6, lines 40-67).

Regarding claim 10, Ueda disclose the color correcting relation extracting method according to claim 2, wherein the colorimetry color space comprises a device-independent color space (fig. 1, col. 7, lines 6-12).

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Saikawa et al. (US. 2004/0240728).

Regarding claim 9, Saikawa et al. disclose a color correcting relation extracting method, comprising:

measuring a color of a patch of a color chart to obtain a colorimetry value (figs. 8a-g, para [0055], lines 7-11);

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photographing the color chart to obtain RGB data (fig. 1, para. [0031], lines 5-9);
and

combining a know-how for converting the colorimetry value into the RGB data, with
a monitor characteristic conversion for converting the RGB data into the colorimetry
value of a color of an image on a monitor (fig. 3, para. [0038], lines 9-14);

wherein know-how for a preferable image formation is obtained (fig. 3, para.
[0039], lines 1-3).

Allowable Subject Matter

4. Claims 3-5 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liao et al. (US. 5218671), Ohkubo (US. 6717674) and Yamada (US. 6339485) are cited to show related art with respect to color correction process for device independent devices in a specific color space.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAC
1-6-05

Tia A Carter
Examiner
Art Unit 2626



KIMBERLY WILLIAMS
SUPERVISOR **ART EXAMINER**